



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-0215/P1

MPG:.....
g L nwn

DOA:.....Kisiolek, BB0042 - Juvenile Correctional Services Deficit
Reduction

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

SA ✓
X-ref ✓

don't gen.

1 AN ACT ...; relating to: the budget. ✓

Analysis by the Legislative Reference Bureau

CORRECTIONAL SYSTEM ✓

JUVENILE CORRECTIONAL SYSTEM ✓

Under current law, sum certain amounts are appropriated to DOC for juvenile correctional services, juvenile residential aftercare services, and juvenile corrective sanctions services. This bill provides that, if there is a deficit in the juvenile correctional services appropriation account at the close of a fiscal year, any unencumbered balances in the juvenile residential aftercare services and juvenile corrective sanctions services appropriation accounts at the close of that fiscal year, up to the amount of the deficit, less any amounts required to be remitted to counties or deposited in the general fund, are transferred to the juvenile correctional services appropriation account. ✓

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows: ✓

- 2 SECTION 1. 20.410 (3) (hm) of the statutes is amended to read:
- 3 20.410 (3) (hm) *Juvenile correctional services*. Except as provided in pars. (ho)
- 4 and (hr), the amounts in the schedule for juvenile correctional services specified in

s. 301.26 (4) (c) and (d). All moneys received from the sale of surplus property, including vehicles, from juvenile correctional institutions operated by the department, all moneys received as payments in restitution of property damaged at juvenile correctional institutions operated by the department, all moneys received from miscellaneous services provided at a juvenile correctional institution operated by the department, all moneys transferred under s. 301.26 (4) (cm), all moneys transferred under s. 301.26 (4) (ct),[✓] and, except as provided in par. (hr), all moneys received in payment for juvenile correctional services specified in s. 301.26 (4) (d), (dt), and (g) shall be credited to this appropriation account.[✓] If moneys generated by the daily rate under s. 301.26 (4) (d) exceed actual fiscal year institutional costs by more than 2% ~~or more~~, all moneys in excess of ~~that~~ 2% shall be remitted to the counties during the subsequent calendar year or transferred to the appropriation account under par. (kx) during the subsequent fiscal year. Each county and the department shall receive a proportionate share of the remittance and transfer depending on the total number of days of placement at juvenile correctional institutions including the Mendota Juvenile Treatment Center. Counties shall use the funds for purposes specified in s. 301.26. The department shall deposit in the general fund the amounts transferred under this paragraph to the appropriation account under par. (kx).[✓]

history: 1989 a. 31 ss. 340, 361 to 380, 382 to 392; 1989 a. 107, 122, 359; 1991 a. 39; 1993 a. 16, 98, 377, 437, 490; 1995 a. 27, 77, 416, 440; 1997 a. 4, 27, 35, 237, 252, 275, 283, 284; 1999 a. 9, 89; 2001 a. 16; 2003 a. 33; 2005 a. 25 ss. 287 to 295m, 414t, 415wr; 2005 a. 234 s. 4; 2005 a. 344, 433; 2007 a. 20, 97; 2009 a. 28, 71, 100, 182, 233.

SECTION 2. 20.410 (3) (ho) of the statutes is amended to read:

20.410 (3) (ho) *Juvenile residential aftercare*. The amounts in the schedule for providing foster care, treatment foster care, group home care, and institutional child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52. All moneys transferred under s. 301.26 (4) (cm) and all moneys received in payment

for providing foster care, treatment foster care, group home care, and institutional child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52 as specified in s. 301.26 (4) (e) and (ed) shall be credited to this appropriation account. If moneys generated by the daily rate exceed actual fiscal year foster care, treatment foster care, group home care, and institutional child care costs, that excess shall be transferred to the appropriation account under par. (hm) as provided in s. 301.26 (4) (ct), except that, if those moneys generated exceed those costs by more than 2% or more, all moneys in excess of 2% shall be remitted to the counties during the subsequent calendar year or transferred to the appropriation account under par. (kx) during the subsequent fiscal year. Each county and the department shall receive a proportionate share of the remittance and transfer depending on the total number of days of placement in foster care, treatment foster care, group home care, or institutional child care. Counties shall use the funds for purposes specified in s. 301.26. The department shall deposit in the general fund the amounts transferred under this paragraph to the appropriation account under par. (kx).

NOTE: NOTE: Par. (ho) is repealed and recreated by 2009 Wis. Act 182, s. 5, effective the date stated in the notice provided by the secretary of children and families and published in the Wisconsin Administrative Register under s. 48.62 (9) to read as follows: NOTE:

(ho) *Juvenile residential aftercare*. The amounts in the schedule for providing foster care, group home care, and institutional child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52. All moneys transferred under s. 301.26 (4) (cm) and all moneys received in payment for providing foster care, group home care, and institutional child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52 as specified in s. 301.26 (4) (e) and (ed) shall be credited to this appropriation account. If moneys generated by the daily rate exceed actual fiscal year foster care, group home care, and institutional child care costs by 2% or more, all moneys in excess of 2% shall be remitted to the counties during the subsequent calendar year or transferred to the appropriation account under par. (kx) during the subsequent fiscal year. Each county and the department shall receive a proportionate share of the remittance and transfer depending on the total number of days of placement in foster care, group home care, or institutional child care. Counties shall use the funds for purposes specified in s. 301.26. The department shall deposit in the general fund the amounts transferred under this paragraph to the appropriation account under par. (kx).

history: 1989 a. 31 ss. 340, 361 to 380, 382 to 392; 1989 a. 107, 122, 359; 1991 a. 39; 1993 a. 16, 98, 377, 437, 490; 1995 a. 27, 77, 416, 440; 1997 a. 4, 27, 35, 237, 252, 275, 283, 284; 1999 a. 9, 89; 2001 a. 10, 2003 a. 33; 2005 a. 25 ss. 287 to 295m, 414t, 415wr; 2005 a. 234 s. 4; 2005 a. 344, 433; 2007 a. 20, 97; 2009 a. 28, 71, 100, 182, 233

SECTION 3. 20.410 (3) (ho) of the statutes, as affected by 2009 Wisconsin Acts

71, section 2, and 182, section 5, and 2011 Wisconsin Act... (this act), is amended to read:

20.410 (3) (ho) *Juvenile residential aftercare*. The amounts in the schedule for providing foster care, group home care, and institutional child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52. All moneys

transferred under s. 301.26 (4) (cm) and all moneys received in payment for providing foster care, group home care, and institutional child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52 as specified in s. 301.26 (4) (e) and (ed) shall be credited to this appropriation account. If moneys generated by the daily rate exceed actual fiscal year foster care, group home care, and institutional child care costs, that excess shall be transferred to the appropriation account under par. (hm) as provided in s. 301.26 (4) (ct), except that, if those moneys generated exceed those costs by more than 2% or more, all moneys in excess of 2% shall be remitted to the counties during the subsequent calendar year or transferred to the appropriation account under par. (kx) during the subsequent fiscal year. Each county and the department shall receive a proportionate share of the remittance and transfer depending on the total number of days of placement in foster care, group home care, or institutional child care. Counties shall use the funds for purposes specified in s. 301.26. The department shall deposit in the general fund the amounts transferred under this paragraph to the appropriation account under par. (kx).[✓]

(change
underscore
language
to
PLAIN)

SECTION 4. 20.410 (3) (hr) of the statutes is amended to read:

20.410 (3) (hr) *Juvenile corrective sanctions program.* The amounts in the schedule for the corrective sanctions services specified in s. 301.26 (4) (eg). All moneys received in payment for the corrective sanctions services specified in s. 301.26 (4) (eg) shall be credited to this appropriation account. If moneys generated by the daily rate exceed actual fiscal year corrective sanctions services costs, that excess shall be transferred to the appropriation account under par. (hm) as provided in s. 301.26 (4) (ct).[✓]

history: 1989 a. 31 ss. 340, 361 to 380, 382 to 382; 1989 a. 107, 122, 359; 1991 a. 39; 1993 a. 16, 98, 377, 437, 490; 1995 a. 27, 77, 416, 440; 1997 a. 4, 27, 35, 237, 252, 275, 283, 284; 1999 a. 9, 89; 2001 a. 16; 2003 a. 33, 380; 2005 a. 25 ss. 287 to 295m, 414t, 415wr; 2005 a. 234 s. 4; 2005 a. 344, 433; 2007 a. 20, 97; 2009 a. 28, 71, 100, 182, 233.

SECTION 5. 301.26 (4) (ct) of the statutes is created to read:

301.26 (4) (ct) 1. Subject to subd. 2., if notwithstanding ss. 16.50 (2), 16.52, 20.002 (11), and 20.903 there is a deficit in the appropriation account under s. 20.410 (3) (hm) at the close of a fiscal year, any unencumbered balance in the appropriation account under s. 20.410 (3) (ho) at the close of that fiscal year, less the amounts required by s. 20.410 (3) (ho) to be remitted to counties or transferred to the appropriation account under s. 20.410 (3) (kx), and any unencumbered balance in the appropriation account under s. 20.410 (3) (hr) at the close of that fiscal year, shall be transferred to the appropriation account under s. 20.410 (3) (hm), except that the total amount of the unencumbered balances transferred under this subdivision may not exceed the amount of the deficit.

2. If the deficit specified in subd. 1. is less than the total amount of the unencumbered balances available for transfer under subd. 1., the total amount transferred from the appropriation accounts under s. 20.410 (3) (ho) and (hr) to the appropriation account under s. 20.410 (3) (hm) shall equal the amount of that deficit, and the amount transferred from each of those appropriation accounts shall be in proportion to the respective unencumbered balance available for transfer from each of those appropriation accounts.

SECTION 9411. Effective dates; Corrections.

(1) JUVENILE CORRECTIONAL SERVICES DEFICIT REDUCTION. The treatment of section 20.410 (3) (ho) (by SECTION **** [section 3]) of the statutes takes effect on (20) (21) on July 1, 2011, on the day after publication, or on the date stated in the notice provided by the secretary of children and families and published in the Wisconsin Administrative Register under section 48.62 (9) of the statutes, whichever is (late) latest

(END)

D-note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0215/P1dn

MPG.....

nwn

Date

Katrina Kisiolek:

Please review this draft carefully to ensure that it is consistent with your intent.✓

While in the past the balance transfer to alleviate the juvenile correctional services deficit has been effected through temporary nonstatutory provisions, please note that this draft incorporates the deficit reduction into the statutes.✓ The drafting instructions request that the new language achieve the balance transfer for each fiscal year of the biennium, not just for the 2010-11 fiscal year, and nonstatutory provisions are intended in relevant part for only temporary, transitional use.✓ (See Joint Rule 53 (2) (k)).✓ Also, the juvenile correctional services deficit has been a recurrent issue requiring attention over many budget cycles, which indicates a statutory change is warranted.✓

Please let me know if you have any questions or concerns.✓

Thanks,

Michael P. Gallagher
Legislative Attorney
Phone: (608) 267-7511
E-mail: michael.gallagher@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0215/P1dn
MPG:nwn:jf

November 8, 2010

Katrina Kisiolek:

Please review this draft carefully to ensure that it is consistent with your intent.

While in the past the balance transfer to alleviate the juvenile correctional services deficit has been effected through temporary nonstatutory provisions, please note that this draft incorporates the deficit reduction into the statutes. The drafting instructions request that the new language achieve the balance transfer for each fiscal year of the biennium, not just for the 2010-11 fiscal year, and nonstatutory provisions are intended in relevant part for only temporary, transitional use. (See Joint Rule 53 (2) (k)). Also, the juvenile correctional services deficit has been a recurrent issue requiring attention over many budget cycles, which indicates a statutory change is warranted.

Please let me know if you have any questions or concerns.

Thanks,

Michael P. Gallagher
Legislative Attorney
Phone: (608) 267-7511
E-mail: michael.gallagher@legis.wisconsin.gov

2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0215/P2ins.
MPG:.....

Insert 5-16

SECTION 1. 20.410 (3) (ht) of the statutes is created to read:

20.410 (3) (ht) *Juvenile correctional services; transfer of funds.* All moneys transferred from pars. (ho) and (hr) for juvenile correctional services specified in ss. 49.45 (25) (bj) and 301.26 (4) (c), (d), (dt), and (g). Notwithstanding s. 20.001 (3) (c), the unencumbered balance in this appropriation account at the end of each fiscal year shall revert to the appropriation accounts under pars. (ho) and (hr) in proportion to the respective amounts transferred from each of those appropriation accounts.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2. 49.45 (25) (bj) of the statutes is amended to read:

49.45 (25) (bj) The department of corrections may elect to provide case management services under this subsection to persons who are under the supervision of that department under s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (4), who are Medical Assistance beneficiaries, and who meet one or more of the conditions specified in par. (am). The amount of the allowable charges for those services under the Medical Assistance program that is not provided by the federal government shall be paid from the appropriation account under s. 20.410 (3) (hm), (ho), or (hr), or (ht).

History: 1971 c. 40 s. 93; 1971 c. 42, 125; 1971 c. 213 s. 5; 1971 c. 215, 217, 307; 1973 c. 62, 90, 147; 1973 c. 333 ss. 106g, 106h, 106j, 201w; 1975 c. 39; 1975 c. 223 s. 28; 1975 c. 224 ss. 54h, 56 to 59m; 1975 c. 383 s. 4; 1975 c. 411; 1977 c. 29, 418; 1979 c. 34 ss. 837f to 838, 2102 (20) (a); 1979 c. 102, 177, 221, 355; 1981 c. 20 ss. 839 to 854, 2202 (20) (r); 1981 c. 93, 317; 1983 a. 27 ss. 1046 to 1062m, 2200 (42); 1983 a. 245, 447, 527; 1985 a. 29 ss. 1026m to 1031d, 3200 (23), (56), 3202 (27); 1985 a. 120, 176, 269; 1985 a. 332 ss. 91, 251 (5), 253; 1985 a. 340; 1987 a. 27 ss. 989r to 1000s, 2247, 3202 (24); 1987 a. 186, 307, 339, 399; 1987 a. 403 s. 256; 1987 a. 413; 1989 a. 6; 1989 a. 31 ss. 1402 to 1452g, 2909g, 2909i; 1989 a. 107, 173, 310, 336, 351, 359; 1991 a. 22, 39, 80, 250, 269, 315, 316; 1993 a. 16 ss. 1362g to 1403, 3883; 1993 a. 27, 107, 112, 183, 212, 246, 269, 335, 356, 437, 446, 469; 1995 a. 20; 1995 a. 27 ss. 2947 to 3002r, 7299, 9126 (19), 9130 (4), 9145 (1); 1995 a. 191, 216, 225, 289, 303, 398, 417, 457; 1997 a. 3, 13, 27, 114, 175, 191, 237, 252, 293; 1999 a. 9, 63, 103, 180, 185; 2001 a. 13, 16, 35, 38, 57, 67, 104, 109; 2003 a. 33, 318, 321; 2005 a. 22; 2005 a. 25 ss. 1120 to 1149f, 2503 to 2510; 2005 a. 107, 165, 253, 254, 264, 301, 340, 386, 441; 2007 a. 20 ss. 1513 to 1559h, 9121 (6) (a); 2007 a. 90, 97, 104, 141, 153; 2009 a. 2, 28, 113, 177, 180, 190, 221, 334, 342.

SECTION 3. 301.26 (4) (c) of the statutes is amended to read:

301.26 (4) (c) Notwithstanding pars. (a), (b), and (bm), the department of corrections shall pay, from the appropriation under s. 20.410 (3) (hm), (ho), or (hr), or (ht), the costs of care, services, and supplies provided for each person receiving

1 services under s. 46.057, 48.366, 51.35 (3), 938.183, or 938.34 who was under the
2 guardianship of the department of children and families pursuant to an order under
3 ch. 48 at the time that the person was adjudicated delinquent.✓

History: 1995 a. 27 ss. 6363p, 9126 (19); 1995 a. 77, 352, 416, 417; 1997 a. 27, 35, 237, 252; 1999 a. 9, 32; 2001 a. 16, 59, 109; 2003 a. 33; 2005 a. 25, 344; 2007 a. 20 ss. 3112 to 3124; 9121 (6) (a); 2007 a. 97; 2009 a. 28.

4 **SECTION 9111. Nonstatutory provisions; Corrections.**

5 (1) The legislative reference bureau shall incorporate the changes made to
6 section 20.410 (3) (ho) of the statutes by SECTION (****) of this act and the changes
7 made to section 20.410 (3) (ho) of the statutes by 2009 Wisconsin Act 182 SECTION 5,
8 into the text of section 20.410 (3) (ho) of the statutes and shall document the
9 incorporation in a note following 20.410 (3) (ho) of the statutes. The chief of the
10 legislative reference bureau shall include in a correction bill a provision formally
11 validating the incorporation. Section 990.07 of the statutes is not affected by
12 printing decisions made by the chief of the legislative reference bureau under this
13 paragraph.

(End Inset)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0215/P2dn

MPG:1:....

nwn

Date

Katrina Kisiolek

True
This is a redraft of LRB-0215, regarding a transfer of funds to the juvenile correctional services appropriation account to make up for the perennial deficit that account tends to run. The redraft has two components:

2 ① This redraft creates an additional appropriation for juvenile correctional services. A new appropriation is required because under article VIII, section 2 of the Wisconsin Constitution, DOC cannot spend the transferred moneys without an appropriation authorizing the expenditure, and the s. 20.410 (3) (hm) appropriation is a sum certain appropriation for which the amounts in the schedule do not include the transferred amounts. The new appropriation is of "all moneys" transferred from the juvenile residential aftercare services (s. 20.410 (3) (ho)) and juvenile corrective sanctions services (s. 20.410 (3) (hr)) appropriation accounts at the close of each fiscal year for juvenile correctional services, less any amounts required to be remitted to counties, or transferred to the s. 20.410 (3) (kx) appropriation account and deposited in the general fund. Any unused moneys revert to the appropriation accounts under ss 20.410 (3) (ho) and 20.410 (3) (hr) in proportion to the respective amounts that were available for transfer from each of those appropriation accounts. *S. H* The additional appropriation account for juvenile correctional services achieves the same purpose as the deficit reduction provision without the need for that provision. In effect, with two appropriations going to juvenile correctional services, there is no deficit if the amounts in the schedule for s. 20.410 (3) (hm) do not cover actual costs for juvenile correctional services because s. 20.410 (3) (hm) is not the only appropriation to cover those costs. The deficit reduction provision has been removed in this redraft. Are these changes acceptable?

2 2) This redraft also addresses the "treatment foster care" change without the repeal and recreation of s. 20.410 (3) (ho), in accordance with updated LRB drafting guidelines regarding this issue. Those guidelines provide that, if possible, the deletion of "treatment foster care" in a prior act's provision that has not yet become effective should be incorporated in a current draft by means of a nonstatutory provision such as the one that appears in this redraft.

Please let me know if you have any questions regarding the changes in this redraft.

Thank you,

Michael Gallagher
Legislative Attorney
Phone: (608) 267-7511
E-mail: michael.gallagher@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0215/P2dn
MPG:nwn:md

December 2, 2010

Katrina Kisiolek:

This is a redraft of LRB-0215, regarding a transfer of funds to the juvenile correctional services appropriation account to make up for the perennial deficit that account tends to run.

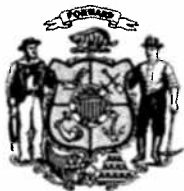
The redraft creates an additional appropriation for juvenile correctional services. A new appropriation is required because under article VIII, section 2 of the Wisconsin Constitution, DOC cannot spend the transferred moneys without an appropriation authorizing the expenditure, and the s. 20.410 (3) (hm) appropriation is a sum certain appropriation for which the amounts in the schedule do not include the transferred amounts. The new appropriation is of "all moneys" transferred from the juvenile residential aftercare services (s. 20.410 (3) (ho)) and juvenile corrective sanctions services (s. 20.410 (3) (hr)) appropriation accounts at the close of each fiscal year for juvenile correctional services, less any amounts required to be remitted to counties, or transferred to the s. 20.410 (3) (kx) appropriation account and deposited in the general fund. Any unused moneys revert to the appropriation accounts under s. 20.410 (3) (ho) and (hr) in proportion to the respective amounts that were available for transfer from each of those appropriation accounts.

The additional appropriation account for juvenile correctional services achieves the same purpose as the deficit reduction provision without the need for that provision. In effect, with two appropriations going to juvenile correctional services, there is no deficit if the amounts in the schedule for s. 20.410 (3) (hm) do not cover actual costs for juvenile correctional services because s. 20.410 (3) (hm) is not the only appropriation to cover those costs. The deficit reduction provision has been removed in this redraft. Are these changes acceptable?

Please let me know if you have any questions regarding the changes in this redraft.

Thank you,

Michael Gallagher
Legislative Attorney
Phone: (608) 267-7511
E-mail: michael.gallagher@legis.wisconsin.gov



Redraft in 5-9-2011

State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-0215/62 P3
MPG:nwn:md

DOA:.....Kisiolek, BB0042 - Juvenile Correctional Services Deficit Reduction

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

SA ✓

1 ^{don't gen.} AN ACT ...; relating to: the budget ✓

Analysis by the Legislative Reference Bureau

CORRECTIONAL SYSTEM

JUVENILE CORRECTIONAL SYSTEM

Under current law, sum certain amounts are appropriated to DOC for juvenile correctional services, juvenile residential aftercare services, and juvenile corrective sanctions services. This bill creates an additional appropriation for juvenile correctional services. The bill provides that certain unencumbered balances in the juvenile residential aftercare services and juvenile corrective sanctions services appropriation accounts at the close of each fiscal year, less any amounts required to be remitted to counties or deposited in the general fund, are transferred to the new juvenile correctional services appropriation account. Any unused amounts in the new appropriation account then revert to the account from which transferred.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

up to the amount of the deficit and
The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

If there is a deficit in the juvenile correctional services appropriation account at the end of a fiscal year,

all moneys transferred under s. 301.26 (4) (c) & (d)

SECTION 1. 20.410 (3) (hm) of the statutes is amended to read:

20.410 (3) (hm) *Juvenile correctional services*. ~~Except as provided in pars. (ho) and (hr), the~~ The amounts in the schedule for juvenile correctional services specified in ~~s. ss.~~ ss. 49.45 (25) (bj) and 301.26 (4) (c) and (d). All moneys received from the sale of surplus property, including vehicles, from juvenile correctional institutions operated by the department, all moneys received as payments in restitution of property damaged at juvenile correctional institutions operated by the department, all moneys received from miscellaneous services provided at a juvenile correctional institution operated by the department, all moneys transferred under s. 301.26 (4) (cm), and, except as otherwise provided in ~~par.~~ pars. (ho) and (hr), all moneys received in payment for juvenile correctional services as specified in s. 301.26 (4) (d), (dt), and (g) shall be credited to this appropriation account. If moneys generated by the daily rate under s. 301.26 (4) (d) exceed actual fiscal year institutional costs by more than 2% or more, all moneys in excess of ~~that~~ 2% shall be remitted to the counties during the subsequent calendar year or transferred to the appropriation account under par. (kx) during the subsequent fiscal year. Each county and the department shall receive a proportionate share of the remittance and transfer depending on the total number of days of placement at juvenile correctional institutions including the Mendota Juvenile Treatment Center. Counties shall use the funds for purposes specified in s. 301.26. The department shall deposit in the general fund the amounts transferred under this paragraph to the appropriation account under par. (kx).

~~SECTION 2. 20.410 (3) (ho) of the statutes is amended to read:~~

20.410 (3) (ho) *Juvenile residential aftercare*. The amounts in the schedule for providing foster care, treatment foster care, group home care, and institutional child

care to delinquent juveniles under ss. 49.19 (10) (d), 49.45 (25) (bj), 301.26 (4) (c),
 938.48 (4) and (14), and 938.52. All moneys transferred under s. 301.26 (4) (cm) or
from s. 20.410 (3) (ht), and all moneys received in payment for providing foster care,
 treatment foster care, group home care, and institutional child care to delinquent
 juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52 as specified in s.
 301.26 (4) (d), (e), and (ed) shall be credited to this appropriation account. If moneys
 generated by the daily rate under s. 301.26 (4) (d) exceed actual fiscal year foster care,
 treatment foster care, group home care, and institutional child care costs, that excess
shall be transferred to the appropriation account under par. (kt) ^{(hm) as prov. and in s. 301-26(4)(k)} except that, if those
moneys generated exceed those costs by more than 2% or more, all moneys in excess
 of 2% shall be remitted to the counties during the subsequent calendar year or
 transferred to the appropriation account under par. (kx) during the subsequent fiscal
 year. Each county and the department shall receive a proportionate share of the
 remittance and transfer depending on the total number of days of placement in foster
 care, treatment foster care, group home care, or institutional child care. Counties
 shall use the funds for purposes specified in s. 301.26. The department shall deposit
 in the general fund the amounts transferred under this paragraph to the
 appropriation account under par. (kx).

Lps: Pls
chg comp

SECTION 3. 20.410 (3) (ho) of the statutes, as affected by 2009 Wisconsin Act
 (182, section 5), and 2011 Wisconsin Act... (this act), is repealed and recreated to read:

20.410 (3) (ho) *Juvenile residential aftercare*. The amounts in the schedule for
 providing foster care, group home care, and institutional child care to delinquent
 juveniles under ss. 49.19 (10) (d), 49.45 (25) (bj), 301.26 (4) (c), 938.48 (4) and (14),
 and 938.52. All moneys transferred under s. 301.26 (4) (cm) or from s. 20.410 (3) (ht),
 and all moneys received in payment for providing foster care, group home care, and

SECTION 3

(hm) as provided in s. 301.26 (4) (c+)

1 institutional child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and
2 (14), and 938.52 as specified in s. 301.26 (4) (d), (e), and (ed) shall be credited to this
3 appropriation account. If moneys generated by the daily rate under s. 301.26 (4) (d)
4 exceed actual fiscal year foster care, group home care, and institutional child care
5 costs, that excess shall be transferred to the appropriation account under par. (ht).
6 except that, if those moneys generated exceed those costs by more than 2%, all
7 moneys in excess of 2% shall be remitted to the counties during the subsequent
8 calendar year or transferred to the appropriation account under par. (kx) during the
9 subsequent fiscal year. Each county and the department shall receive a
10 proportionate share of the remittance and transfer depending on the total number
11 of days of placement in foster care, group home care, or institutional child care.
12 Counties shall use the funds for purposes specified in s. 301.26. The department
13 shall deposit in the general fund the amounts transferred under this paragraph to
14 the appropriation account under par. (kx).
15

SECTION 4. 20.410 (3) (hr) of the statutes is amended to read:

16 20.410 (3) (hr) *Juvenile corrective sanctions program*. The amounts in the
17 schedule for the corrective sanctions services specified in s. ss. 49.45 (25) (bj) and
18 301.26 (4) (c) and (eg). All moneys received in payment for the those corrective
19 sanctions services as specified in s. 301.26 (4) (d) and (eg), and all moneys transferred
20 under s. 301.26 (4) (cm) or from s. 20.410 (3) (ht), shall be credited to this
21 appropriation account. If moneys generated by the daily rate under s. 301.26 (4) (d)
22 exceed actual fiscal year corrective sanctions services costs, that excess shall be
23 transferred to the appropriation account under par. (ht).
24

SECTION 5. 20.410 (3) (ht) of the statutes is created to read:

1 20.410 (3) ~~(ht)~~ *Juvenile correctional services; transfer of funds.* All moneys
2 transferred from pars. (ho) and (hr) for juvenile correctional services specified in ss.
3 49.45 (25) (bj) and 301.26 (4) ~~(c)~~ and (d). Notwithstanding s. 20.001 (3) (c), the
4 unencumbered balance in this appropriation account at the end of each fiscal year
5 shall revert to the appropriation accounts under pars. (ho) and (hr) in proportion to
6 the respective amounts transferred from each of those appropriation accounts.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

7 **SECTION 6.** 49.45 (25) (bj) of the statutes is amended to read:

8 ~~49.45 (25) (bj)~~ The department of corrections may elect to provide case
9 management services under this subsection to persons who are under the
10 supervision of that department under s. 938.183, 938.34 (4h), (4m), or (4n), or
11 938.357 (4), who are Medical Assistance beneficiaries, and who meet one or more of
12 the conditions specified in par. (am). The amount of the allowable charges for those
13 services under the Medical Assistance program that is not provided by the federal
14 government shall be paid from the appropriation account under s. 20.410 (3) (hm),
15 ~~(ho), or (hr), or (ht).~~

16 **SECTION 7.** 301.26 (4) (c) of the statutes is amended to read:

17 ~~301.26 (4) (c)~~ Notwithstanding pars. (a), (b), and (bm), the department of
18 corrections shall pay, from the appropriation under s. 20.410 (3) (hm), (ho), ~~or (hr),~~
19 ~~or (ht),~~ the costs of care, services, and supplies provided for each person receiving
20 services under s. 46.057, 48.366, 51.35 (3), 938.183, or 938.34 who was under the
21 guardianship of the department of children and families pursuant to an order under
22 ch. 48 at the time that the person was adjudicated delinquent.

23 ~~**SECTION 9411. Effective dates, Corrections.**~~

1 ~~(1) JUVENILE CORRECTIONAL SERVICES DEFICIT REDUCTION. The repeal and~~
2 ~~recreation of section 20.410 (3) (ho) of the statutes takes effect on July 1, 2011, on the~~
3 ~~day after publication, or on the date stated in the notice provided by the secretary~~
4 ~~of children and families and published in the Wisconsin Administrative Register~~
5 ~~under section 48.62 (9) of the statutes, whichever is latest.~~

6 (END)

that when added to other amounts credited to that appropriation accounting that fiscal year equals the amount

301.26 (4) (ct) 1. Subject to subd. 2[✓] and notwithstanding ss. 16.50[✓](2)[✓], 16.52[✓], 02 (11)[✓], and 20.903[✓], if there is a deficit in the appropriation account under s. 10 (3) (hm)[✓] at the close of a fiscal year, any unencumbered balance in the appropriation account under s. 20.410 (3) (ho)[✓] at the close of that fiscal year, less the amounts required by s. 20.410 (3) (ho)[✓] to be remitted to counties or transferred to the appropriation account under s. 20.410 (3) (kx)[✓], and any unencumbered balance in the appropriation account under s. 20.410 (3) (hr)[✓] at the close of that fiscal year, shall be transferred to the appropriation account under s. 20.410 (3) (hm)[✓], up to the amount shown in the schedule under s. 20.005[✓] for that appropriation account for that fiscal year.

(3)

[END INSERT 4-23]



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-0215/P3
MPG:nwn:md

DOA:.....Kisiolek, BB0042 - Juvenile Correctional Services Deficit
Reduction

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

CORRECTIONAL SYSTEM

JUVENILE CORRECTIONAL SYSTEM

Under current law, sum certain amounts are appropriated to DOC for juvenile correctional services, juvenile residential aftercare services, and juvenile corrective sanctions services. This bill provides that, if there is a deficit in the juvenile correctional services appropriation account at the end of a fiscal year, certain unencumbered balances in the juvenile residential aftercare services and juvenile corrective sanctions services appropriation accounts, up to the amount of the deficit and less any amounts required to be remitted to counties or deposited in the general fund, are transferred to the juvenile correctional services appropriation account.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 20.410 (3) (hm) of the statutes is amended to read:

20.410 (3) (hm) *Juvenile correctional services*. ~~Except as provided in pars. (ho)~~
and ~~(hr)~~, the The amounts in the schedule for juvenile correctional services specified
in ~~s. ss. 49.45 (25) (bj) and 301.26 (4) (c) and (d)~~. All moneys received from the sale
of surplus property, including vehicles, from juvenile correctional institutions
operated by the department, all moneys received as payments in restitution of
property damaged at juvenile correctional institutions operated by the department,
all moneys received from miscellaneous services provided at a juvenile correctional
institution operated by the department, all moneys transferred under s. 301.26 (4)
(cm), all moneys transferred under s. 301.26 (4) (ct), and, except as otherwise
provided in ~~par. pars. (ho) and~~ (hr), all moneys received in payment for juvenile
correctional services as specified in s. 301.26 (4) (d), (dt), and (g) shall be credited to
this appropriation account. If moneys generated by the daily rate under s. 301.26
(4) (d) exceed actual fiscal year institutional costs by more than 2% ~~or more~~, all
moneys in excess of ~~that~~ 2% shall be remitted to the counties during the subsequent
calendar year or transferred to the appropriation account under par. (kx) during the
subsequent fiscal year. Each county and the department shall receive a
proportionate share of the remittance and transfer depending on the total number
of days of placement at juvenile correctional institutions including the Mendota
Juvenile Treatment Center. Counties shall use the funds for purposes specified in
s. 301.26. The department shall deposit in the general fund the amounts transferred
under this paragraph to the appropriation account under par. (kx).

SECTION 2. 20.410 (3) (ho) of the statutes is amended to read:

20.410 (3) (ho) *Juvenile residential aftercare*. The amounts in the schedule for
providing foster care, group home care, and institutional child care to delinquent
juveniles under ss. 49.19 (10) (d), 49.45 (25) (bj), 301.26 (4) (c), 938.48 (4) and (14),

1 and 938.52. All moneys transferred under s. 301.26 (4) (cm) and all moneys received
2 in payment for providing foster care, group home care, and institutional child care
3 to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52 as
4 specified in s. 301.26 (4) (d), (e), and (ed) shall be credited to this appropriation
5 account. If moneys generated by the daily rate under s. 301.26 (4) (d) exceed actual
6 fiscal year foster care, group home care, and institutional child care costs, that excess
7 shall be transferred to the appropriation account under par. (hm) as provided in s.
8 301.26 (4) (ct), except that, if those moneys generated exceed those costs by more than
9 2% or more, all moneys in excess of 2% shall be remitted to the counties during the
10 subsequent calendar year or transferred to the appropriation account under par. (kx)
11 during the subsequent fiscal year. Each county and the department shall receive a
12 proportionate share of the remittance and transfer depending on the total number
13 of days of placement in foster care, group home care, or institutional child care.
14 Counties shall use the funds for purposes specified in s. 301.26. The department
15 shall deposit in the general fund the amounts transferred under this paragraph to
16 the appropriation account under par. (kx).

17 **SECTION 3.** 20.410 (3) (hr) of the statutes is amended to read:

18 20.410 (3) (hr) *Juvenile corrective sanctions program.* The amounts in the
19 schedule for the corrective sanctions services specified in s. ss. 49.45 (25) (bj) and
20 301.26 (4) (c) and (eg). All moneys received in payment for ~~the~~ those corrective
21 sanctions services as specified in s. 301.26 (4) (d) and (eg), and all moneys transferred
22 under s. 301.26 (4) (cm), shall be credited to this appropriation account. If moneys
23 generated by the daily rate under s. 301.26 (4) (d) exceed actual fiscal year corrective
24 sanctions services costs, that excess shall be transferred to the appropriation account
25 under par. (hm) as provided in s. 301.26 (4) (ct).

SECTION 4. 301.26 (4) (ct) of the statutes is created to read:

301.26 (4) (ct) 1. Subject to subd. 2. and notwithstanding ss. 16.50 (2), 16.52, 20.002 (11), and 20.903, if there is a deficit in the appropriation account under s. 20.410 (3) (hm) at the close of a fiscal year, any unencumbered balance in the appropriation account under s. 20.410 (3) (ho) at the close of that fiscal year, less the amounts required by s. 20.410 (3) (ho) to be remitted to counties or transferred to the appropriation account under s. 20.410 (3) (kx), and any unencumbered balance in the appropriation account under s. 20.410 (3) (hr) at the close of that fiscal year, shall be transferred to the appropriation account under s. 20.410 (3) (hm), up to the amount that when added to other amounts credited to that appropriation account in that fiscal year equals the amount shown in the schedule under s. 20.005 (3) for that appropriation account for that fiscal year.

2. The total amount transferred at the end of a fiscal year under subd. 1. may not exceed the amount of the deficit in the appropriation account under s. 20.410 (3) (hm) for that fiscal year, and if that deficit is less than the total amount of the unencumbered balances available for transfer under subd. 1., the amount transferred from the appropriation accounts under s. 20.410 (3) (ho) and (hr) shall be in proportion to the respective unencumbered balance available for transfer from each of those appropriation accounts.

(END)